PREVAILED	Roll Call No
FAILED	Ayes
WITHDRAWN	Noes
RULED OUT OF ORDER	

HOUSE MOTION ____

MR. SPEAKER:

I move that House Bill 1638 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

1	Page 1, between lines 16 and 17, begin a new paragraph and
2	insert:
3	"SECTION 2. IC 36-7-4-616 IS AMENDED TO READ AS
4	FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 616. (a) As used in this
5	section, "nonconforming use land" means land that satisfies both of the
6	following:
7	(1) The land is agricultural land that is used contrary to a
8	comprehensive plan or zoning ordinance established for the area
9	where the land is located.
10	(2) The land was used for agricultural purposes before the
11	adoption of a comprehensive plan or zoning ordinance for the
12	area where the land is located.
13	(b) Land remains as nonconforming use land as long as the land
14	is used for agricultural purposes for any three (3) year period in a five
15	(5) year period. The definitions used in this section apply only to this
16	section.
17	(b) As used in this section, "agricultural use" refers to land
18	that is used for:
19	(1) the production of livestock or livestock products,
20	commercial aquaculture, equine or equine products, land
21	designated as a conservation reserve plan, pastureland,
22	poultry or poultry products, horticultural or nursery stock,
23	fruit, vegetables, forage, grains, timber, trees, or bees and

comprehensive plan or zoning ordinance before the most recent plan or zoning ordinance, including any amendments, was adopted; or (2) agricultural purposes as defined in or consistent with a comprehensive plan or zoning ordinance that: (A) the land was subject to; and (B) was repealed before the adoption of the most recent comprehensive plan or zoning ordinance, including any amendments. (c) As used in this section, "agricultural nonconforming use" means the agricultural use of land that is not permitted under the most recent comprehensive plan or zoning ordinance, including any amendments, for the area where the land is located. (d) An agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. (c) (e) A country or municipality may not, through the county or municipality's zoning authority, do any of the following: (1) Terminate an agricultural nonconforming use on nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use hand as long as if the agricultural nonconforming use on nonconforming use land. (3) Require an owner of nonconforming use land to obtain any of the following for the agricultural use of the land. (C) A special exception for the land. (D) A contingent use for the land. (E) A conditional use for the land. (D) A contingent use for the land. (E) A conditional use for the land. (D) A contingent use for the land. (D) A contingent use for the land. (E) A conditional use fo		
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1	is used for agricultural purposes for any three (3) year period in a five
2	(5) year period. The definitions used in this section apply only to this
3	section.
4	(b) As used in this section, "agricultural use" refers to land
5	that is used for:
6	(1) the production of livestock or livestock products
7	commercial aquaculture, equine or equine products, poultry
8	or poultry products, horticultural or nursery stock, fruit
9	vegetables, forage, grains, timber, trees, or bees and apiary
.0	products, in the case of land that was not subject to a
1	comprehensive plan or zoning ordinance before the most
2	recent plan or zoning ordinance, including any amendments
.3	was adopted; or
4	(2) agricultural purposes as defined in or consistent with a
.5	comprehensive plan or zoning ordinance that:
.6	(A) the land was subject to; and
.7	(B) was repealed before the adoption of the most recent
.8	comprehensive plan or zoning ordinance, including any
.9	amendments.
20	(c) As used in this section, "agricultural nonconforming use"
21	means the agricultural use of the land is not permitted under the
22	most recent comprehensive plan or zoning ordinance, including
23	any amendments, for the area where the land is located.
24 25	(d) An agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of
.5 26	land without losing agricultural nonconforming use status.
27	(c) (e) A county or municipality may not, through the county or
28	municipality's zoning authority, do any of the following:
29	(1) Terminate an agricultural nonconforming use on
80	nonconforming use land as long as if the agricultural
31	nonconforming use is maintained for at least any three (3) year
32	period in a five (5) year period.
3	(2) Restrict any an agricultural nonconforming use. on
34	nonconforming use land.
35	(3) Require an owner of nonconforming use land to obtain any
36	of the following for the nonconforming agricultural use of the
37	land:
88	(A) A variance for the land.
89	(B) A special exception for the land.
10	(C) A special use for the land.
1	(D) A contingent use for the land.
12	(E) A conditional use for the land.
13	(F) A permit for work under section 8 of this chapter.
14	(G) A certificate of appropriateness.
15	(f) Notwithstanding subsection (e), this section does not
16	prohibit a county, a municipality, or the state from requiring an
17	agricultural nonconforming use to be maintained and operated in
18	compliance with all:
19	(1) state environmental and state health laws and rules; and

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(2) requirements to which conforming agricultural use land,

1	through the county or municipality's zoning authority, is			
2	subject under the comprehensive plan or zoning ordinance.".			
3	Renumber all SECTIONS consecutively.			
	(Reference is to HB 1638 as reprinted March 2, 1999 - Printer's			
	Error.)			
	Representative Grubb			



Adopted Rejected

COMMITTEE REPORT

N/ID	V	$\mathbf{H} \wedge$	K I	$+ \nu$	٠.
MR.	SP	17/7		717	

Your Committee of One, to which	was referred House	Bill 1638, begs	s leave to report that	t said bill has beer
amended as directed				

Representative Grubb